

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Applicant appreciatively acknowledges the Examiner's confirmation of receipt of applicant's claim for priority under 35 U.S.C. § 119(a)-(d) and certified copy of the priority document for German Patent Application 101 05 722.9, filed February 8, 2001, supporting the claim for priority under 35 U.S.C. § 119.

Claims 1-12 remain in the application and are subject to examination. No claims have been currently withdrawn, amended, added or canceled.

In "Claim Rejections - 35 USC § 102", item 2 on pages 2-3 of the above-identified Office Action, claims 1-2, 4 and 8-12 have been rejected as being fully anticipated by U.S. Patent No. 6,064,683 to Johnson under 35 U.S.C. § 102(b).

In "Claim Rejections - 35 USC § 103", item 3 on page 4 of the Office Action, claims 3 and 5-7 have been rejected as being obvious over Johnson in view of U.S. Patent No. 5,493,577 to Choquette et al. (hereinafter Choquette) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a semiconductor laser, comprising:

a vertical resonator formed by reflectors;

a photon-emitting active layer disposed between said reflectors;

at least one current diaphragm for laterally circumscribing a current flowing through said photon-emitting active layer; and

mode-selective regions extending in a vertical direction within said vertical resonator and laterally delimit said vertical resonator.

The Johnson reference discloses a bandgap isolated light emitter. Fig. 5 of Johnson shows a semiconductor laser with a vertical resonator formed by a dielectric mirror stack or reflector 90 and a layer of mirrors of reflector 58. Be implants 82 form mode-selective regions. However, the mode-selective regions 82 are not disposed within the resonator as recited in claim 1 of the instant application.

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In order to clarify the structure disclosed in Fig. 5 of Johnson, enclosed is a marked-up copy of the figure in which lines AA' and BB' have been added. The resonator of Johnson's laser device is limited in lateral direction by the lines AA' and BB'.

It becomes clear from the enclosed figure that the mode-selective region of Johnson is not disposed between the two reflectors 90 and 58. Therefore, the mode-selective region does not extend within the resonator, which is in contrast to the invention as recited in claim 1 of the instant application.

Clearly, Johnson does not show mode-selective regions extending in a vertical direction within a vertical resonator formed by reflectors, as recited in claim 1 of the instant application.

The Choquette reference which was applied against the claims as well does not overcome the deficiencies of Johnson.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. In

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addition, dependent claims 2-12 are believed to be patentable as well because those claims all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call from the Examiner, so that, if possible, patentable language can be worked out with the Examiner.

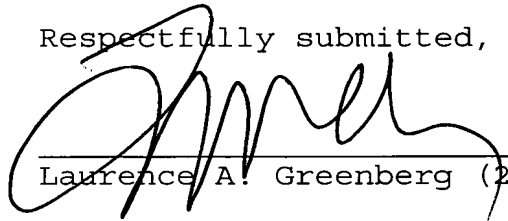
In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time is required, petition for extension should be considered to have been made herewith. In addition, any extension fee associated with the extension should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

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Please charge any other fees that might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner  
and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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LAG/bb

October 18, 2005

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